REMARKS

I. INTRODUCTION

A continued prosecution application ("CPA") was filed on January 31, 2002. In early February 2002, the Examiner scheduled an in-person interview to be conducted March 5, 2002. However, the Examiner issued an office action on February 24, 2002 before conducting the interview and discussing possible claim amendments. Thus, the claim amendments were not placed before the Examiner before issuance of the February 24, 2002 office action.

Regardless, this Amendment and Response is a full and timely response to the Action mailed February 24, 2002. The Examiner has rejected claims 1-18 and 22-27. Claims 1, 5, 11 and 13 have been amended, and claim 27 has been canceled without prejudice. Claims 1-18 and 22-26 remain pending in this application. In view of the following remarks and amendments, reconsideration of the present patent application is respectfully requested.

II. CLAIMS 1-16 AND 22-27 ARE NOVEL

The Examiner rejected claims 1-16 and 22-27 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 5,746,747 to *Yue et al.* The Examiner argued that regarding claims 1-7, 11, 13, 22-24, and 27, *Yue* discloses, in an integrated computer telephony system including a call routing system, a system and method for routing a call based on the identity of an originating source of said call, comprising the steps of: maintaining a plurality of routing lists for a telephony subscriber, each of said routing lists comprising a plurality of directory numbers where the subscriber can be reached, and for each of said routing lists: associating each routing list with at least one originating source; and determining an order of said directory numbers. The Examiner further argued that *Yue* discloses the steps of receiving said call from a first originating source; identifying said first

7

originating source of said call; selecting a routing list from said plurality of routing lists based on the identity of said first originating source; and directing said call sequentially to the directory numbers on said routing list selected.

Claim 27 has been canceled without prejudice, and claims 1, 5, 11 and 13 have been amended to more specifically claim the invention as discussed during the in-person interview and described in the Interview Summary. Specifically, these claims have been amended to change the step of maintaining a database to "creating a plurality of distinct routing lists for a telephony subscriber, each of said routing lists comprising an ordered list of directory numbers where the subscriber can be reached and being associated with at least one originating source." These claims further define the step of creating a plurality of routing lists as including "receiving a first plurality of directory numbers for a subscriber; receiving a first order for the directory numbers; creating a first routing list; receiving a first calling number; associating the first calling number with the first routing list; receiving a second plurality of directory numbers for a subscriber; receiving a second order for the directory numbers; creating a second routing list; receiving a second calling number; and associating the second calling number with the second routing list."

In contrast, *Yue* does not disclose a system capable of creating a plurality of distinct routing lists. At most, *Yue* discloses a system at column 8, second paragraph that "provides for the identification of priority callers making calls from non-priority telephone numbers" and a system where "the subscriber has the option of overriding the destination list and designating a particular destination for priority callers only." *Yue* does not disclose a system capable of creating a plurality of routing lists by receiving a plurality of directory numbers for each routing list, placing them in a particular order and associating at least one calling number with each routing list created, selecting one of the routing lists based on the identity of the caller and routing the call sequentially to the directory numbers on the list. For at least

8

these reasons, claims 1, 5, 11, 13 and those claims depending therefrom are patentable over *Yue*.

The Examiner argued that regarding claim 15, *Yue*, at column 8, lines 11-24, discloses a computer-readable medium wherein the identifying criteria comprises a DTMF code sequence and the step of obtaining an identifying criteria further comprises detecting the DTMF code sequences. However, the cited portion of *Yue* discloses a method where non-priority callers can enter a code and have their call handled as if it were a priority call. Thus, claim 15 is not anticipated by the cited portion of *Yue* and is allowable.

IV. CLAIMS 17 AND 18 ARE NOVEL

The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Yue* in view of U.S. Patent No. 5,978,450 to *McAllister et al.* The Examiner argued that *Yue* discloses selecting a routing list based on a call identification telephone number. However, the Examiner admitted that *Yue* does not teach "a speech sample" that is used to identify a caller in order to route the call. The Examiner further argued that *McAllister* discloses a communication network comprising a peripheral that analyzes the speech of a caller in order to identify the caller.

However, 35 U.S.C. § 103(c) precludes *Yue* from being used to reject claims 17 and 18. Specifically, 35 U.S.C. § 103(c) provides that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." At the time the invention was made, both inventors were subject to an obligation of assignment to the same entity, BellSouth Corporation, as evidenced by the assignments filed with the PTO.

9

Therefore, reliance on *Yue* in rejecting claims 17 and 18 is improper and withdrawal of the rejection is respectfully requested.

Furthermore, a prima facie case of obviousness has not been established. According to MPEP §2142, a prima facie case of obviousness must set forth the following elements:

1.   some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

2.   a reasonable expectation of success; and

3.   the prior art reference (or references when combined) must teach or suggest all the claim limitations.

First, neither *McAllister* nor *Yue* teaches or suggests all of the claim elements. Specifically, neither reference discloses a system where an originating source provides a speech sample. *Yue* does not include any disclosure directed to a speech sample. Further, *McAllister* discloses a system for providing individualized telephone services to multiple subscribers using a common line based upon speech authentication of each **subscriber, not an originating source**. Moreover, neither reference discloses requesting an originating party to enter a speech sample, as claimed within claim 18. Thus, claims 17 and 18 are not obvious over *Yue* in view of *McAllister*.

Second, *McAllister* does not include any motivation to combine its teachings with *Yue*. In fact, the cited references teach away from each other. On one hand, *McAllister* discloses a voice recognition system for providing personalized services to multiple subscribers using a common line. On the other hand, *Yue* discloses a system for routing incoming calls to different destinations based upon the information supplied with the incoming call and according to a hierarchical list. Combining these two references would be illogical because the system disclosed in *McAllister* solves the problem of providing different services to multiple subscribers using a common line. In contrast, the system disclosed in

Yue solves a problem associated with a subscriber having a plurality of lines. Combination of these references would yield a system where a subscriber's speech is analyzed to determine what services are to be provided and a routing system for incoming calls. However, the combination lacks a system for routing incoming calls to various destinations based on **voice recognition of the originating source**. Therefore, claims 17 and 18 are not obvious under *Yue* in view of *McAllister*. Furthermore, claims 17 and 18 are patentable because they depend ultimately from allowable independent claims 1 and 4.

The preceding arguments address only the arguments in the Action, and therefore may not address patentable aspects of the invention that were not addressed by the Examiner in the Action. The claims may include other elements that are not shown, taught, or suggested by the cited references. Accordingly, the preceding arguments in favor of patentability are presented without prejudice to other bases of patentability.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

AMENDMENTS IN THE CLAIMS

In accordance with 37 CFR 1.121(c), the following versions of the claims as rewritten by the foregoing amendment show all the changes made relative to the previous versions of the claims.

Please rewrite claims 1, 5, 11 and 13 as follows:

1.   (Five Times Amended)   In an integrated computer telephony system including a call routing system, a method for routing a call based on the identity of an originating source of said call, comprising [the steps of]:

[maintaining] creating a plurality of distinct routing lists for a telephony subscriber, each of said routing lists being associated with at least one originating source and comprising an ordered list of directory numbers [a plurality of directory numbers] where the subscriber can be reached [, for each of said routing lists:

           associating each routing list with at least one originating source;

           determining an order of said directory numbers];

wherein creating a plurality of distinct routing lists comprises:

    receiving a first plurality of directory numbers for a subscriber;

    receiving a first order for the directory numbers;

    creating a first routing list;

    receiving a first calling number;

    associating the first calling number with the first routing list;

    receiving a second plurality of directory numbers for a subscriber;

    receiving a second order for the directory numbers;

creating a second routing list;

receiving a second calling number;

associating the second calling number with the second routing list;

receiving said call from a first originating source;

identifying said first originating source of said call;

selecting a routing list from said plurality of routing lists based on the identity of said first originating source, wherein selecting the routing list comprises matching the identity of the first originating source with a calling number associated with one of the plurality of distinct routing lists; and

directing said call sequentially to the directory numbers on said routing list selected.

5.   (Five Times Amended)   In a program module responsive to receiving communications for a personal number subscriber, a method for routing a communication to said subscriber, comprising [the steps of]:

[maintaining] creating a plurality of distinct routing lists for a telephony subscriber, each of said routing lists comprising an ordered list of directory numbers [a plurality of directory numbers] where the subscriber may be reached [,] and being associated with at least one originating source [for each of said routing lists:

                     associating each routing list with at least one originating party;

                     determining an order of said directory numbers];

wherein creating a plurality of distinct routing lists comprises:

         receiving a first plurality of directory numbers for a subscriber;

         receiving a first order for the directory numbers;

         creating a first routing list;

         receiving a first calling number;

         associating the first calling number with the first routing list;

receiving a second plurality of directory numbers for a subscriber;

receiving a second order for the directory numbers;

creating a second routing list;

receiving a second calling number;

associating the second calling number with the second routing list;

identifying said first originating source of said call;

receiving a communication directed to a personal number from a first originating

party;

selecting a routing list from said plurality of routing lists based on the identity of said

first originating party, wherein selecting the routing list comprises matching the identity of

the first originating source with a directory number associated with one of the plurality of

distinct routing lists; and

directing said [call] communication sequentially to the directory numbers on said

routing list.

11.   (Five Times Amended)   A computer system for routing calls for a

personal number subscriber based on the calling line identification of an originating party,

comprising:

a processing unit;

a memory storage device operative to store a plurality of routing lists for said personal

number subscriber by;

receiving a first plurality of directory numbers for a subscriber;

receiving a first order for the directory numbers;

creating a first routing list;

receiving a first calling number;

associating the first calling number with the first routing list;

receiving a second plurality of directory numbers for a subscriber;

receiving a second order for the directory numbers;

creating a second routing list;

receiving a second calling number; and

associating the second calling number with the second routing list; [, each of said routing lists comprising a plurality of directory numbers where the subscriber may be reached, said directory numbers being in an order determined by the subscriber;]

a receiving interface device coupled to said processing unit for receiving calls;

a transmitting interface device coupled to said processing unit for placing calls;

said processing unit being operative to:

receive a call on said receiving interface device, said call being directed to said personal number subscriber;

detect a calling line identification for said originating party;

retrieve the first routing list associated with the first calling number [an associated routing list] from said memory storage device [for said calling line identification] based on the identity of said originating party;

retrieve a default routing list from said memory storage device if the first [said associated] routing list does not exist or the calling number is not associated with a routing list; and

direct said call [setup request] sequentially to the directory numbers on said routing list.

13. (Five Times Amended) A computer-readable medium on which is stored a computer program for selecting a routing list and directing a call based on an identifying criteria, and a data file containing a plurality of routing lists for a called party, wherein each of said routing lists comprises a plurality of directory numbers where the subscriber can be

reached, said directory numbers being in an order determined by the subscriber, said computer program comprising instructions which, when executed by a computer, perform the steps of:

creating a plurality of distinct routing lists for a telephony subscriber, each of said routing lists comprising an ordered list of directory numbers where the subscriber can be reached and being associated with at least one originating source;

wherein creating a plurality of distinct routing lists comprises:

receiving a first plurality of directory numbers for a subscriber;

receiving a first order for the directory numbers;

creating a first routing list;

receiving a first calling number;

associating the first calling number with the first routing list;

receiving a second plurality of directory numbers for a subscriber;

receiving a second order for the directory numbers;

creating a second routing list;

receiving a second calling number; and

associating the second calling number with the second routing list;

receiving a communication for said called party;

obtaining said identifying criteria from said communication;

retrieving a routing list from said data file based on said identifying criteria; and

directing said communication sequentially to the directory numbers listed on said routing list.

Please delete claim 27 without prejudice.

CONCLUSION

For at least the reasons set forth above, claims 1-18 and 22-26 define patentable subject matter, and issuance of a notice of allowance is respectfully requested. The undersigned thanks the Examiner for granting an in-person interview on March 5, 2002 and extending courtesies in examination of this application.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

No fees are believed due at this time. Nevertheless, the Commissioner is authorized to charge any additional fees which may be due for this Petition, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

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17

ATLLIB01 1324929.1